

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO.133 OF 2006

IN

WRIT PETITION NO.512 OF 2006

Proprietor,
Shri.GopalDas Narayandas Shah ..Appellant

Vs.

Smt.Sharda Gajanan Bhosale ..Respondent

Mr.M.S.Topkar Advocate for Appellant
Mr.J.Shekhar Advocate for Respondent

CORAM: SMT.RANJANA DESAI &
SMT.V.K.TAHILRAMANI, JJ.

DATE : AUGUST 28, 2006

P.C.

1. We have heard Mr.Topkar, the learned counsel for the appellant. Mr.Topkar states that the issue as to whether there was relationship of 'employer' and 'employee' between the appellant and the respondent, could not have been gone into by the Labour Court. This fact is overlooked by the learned Single Judge. He submitted that, therefore, the impugned order of the learned Single Judge deserves to be set aside.

We are not impressed by this submission. In the facts and circumstances of this case and particularly considering the fact that the employee is dead, we feel that it is not a fit case for interference. We are of the opinion that in the present case the said question being an incidental question, could have been gone into by the Labour Court. No case is made out for interference. Hence, dismissed.

[SMT.RANJANA DESAI, J.]

[SMT.V.K.TAHILRAMANI, J.]